

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 729

ADMINISTRATION OF FUNDS CREATED BY THE WIRELESS EMERGENCY  
TELEPHONE SAFETY ACT

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AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

SOURCE: Adopted at \_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 729.100 Scope

This Part shall apply to all wireless carriers, Emergency Telephone System Boards, qualified governmental entities, and wireless public safety answering points (W-PSAPs).

### Section 729.110 Definitions

For purposes of this Part:

"Act" or "WETSA" means the Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Administrative costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Illinois Commerce Commission (~~Commission~~) in performing its duties and responsibilities under the Act and this Part, including legal and other professional and consulting fees and expenses.

"Carrier" means a wireless carrier.

"Commission" means the Illinois Commerce Commission.

"DSP" means the Illinois Department of State Police.

"FCC" means the Federal Communications Commission.

"Funds" means the Wireless Services Emergency Fund (WSEF) and the Wireless Carrier Reimbursement Fund (WCRF).

"Grant" means a distribution from the WSEF to a provider pursuant to Sections 20 and 25 of the Act [50 ILCS 751/20 and 25].

"Provider" means an Emergency Telephone System Board or qualified governmental entity. DSP shall be considered a provider to the extent that it is acting as a Wireless Public Safety Answering Point ~~wireless public safety answering point (W-PSAP)~~.

"Reimbursement" means a distribution from the WCRF to a carrier for the purpose of reimbursing that carrier for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates pursuant to Sections 30 and 35 of the Act [50 ILCS 751/30 and 35].

"Subscriber" means a wireless subscriber.

"W-PSAP" means a Wireless Public Safety Answering Point.

#### **Section 729.120 Duties of the Commission**

The Commission has the following responsibilities under the Act:

- a) To adopt rules governing grants and reimbursements;
- b) To develop and maintain a database of providers eligible to receive grants and carriers eligible to receive reimbursements;
- c) To the extent authorized by the State Treasurer, to collect and allocate surcharges remitted by carriers into the Funds;
- d) To make monthly grants to eligible providers;
- e) To review and process properly presented carrier requests for reimbursement in accordance with the Act;
- f) To account for all surcharges collected and moneys disbursed;
- g) To maintain auditable records of receipts, grants, and reimbursements and to provide an annual accounting of the Funds to the Auditor General as required by the Act; and

- h) To resolve disputes as required by the Act.

## **SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS**

### **Section 729.200 Eligibility of Providers**

DSP shall be considered certified and eligible to receive grants without complying with this Section. To be eligible to receive a grant, any provider other than DSP must file a letter of intent and a wireless plan with the Commission's 9-1-1 Program pursuant to the 83 Ill. Adm. Code 728. The Commission's 9-1-1 Program will notify the entity in writing stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the provider has received its authorization letter, ~~it they~~ must provide the following information to the Commission's Illinois WETSA Program:

- a) A detailed explanation of the geographic area the Commission has granted it authority to cover, by five digit zip code. Including all zip codes in which the provider has sole authority from the Commission to handle wireless 9-1-1 calls.
- b) A list of all zip codes, including ~~and~~ provider names, in which the petitioning provider has shared authority from the Commission to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage area by nine digit zip code). If none are known, a statement to that effect should be made;
- c) Copies of all agreements with other providers governing the manner in which grants relating to subscribers in overlapping geographic areas (defined by zip code) should be made (or, if no such agreements exist, a written statement to that effect).

### **Section 729.210 Eligibility of Carriers**

To be eligible to receive a reimbursement, a carrier must:

- a) Be certified by the FCC as a wireless carrier (or reseller) operating in the State of Illinois;
- b) Have provided current subscriber information to the Commission as required by the Act and in Section 729.300; and
- c) Comply with all provisions of this Part pertaining to requests for reimbursement.

## **SUBPART C: GENERAL ADMINISTRATION**

### **Section 729.300 Transmission of Subscriber Information**

With the first transmittal of surcharges collected under the Act, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber file is due no later than August 31 ~~31st~~), each carrier shall submit to the Commission its updated total number of subscribers per zip code (9 digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A of this Part, as a file attached to an e-mail, or a CD-ROM. The file shall be in text format, or EXCEL format, and be accompanied by a transmittal document or a proper label listing the carrier name, and the billing month included on the submission. Transmittals shall be mailed to:

Illinois Commerce Commission  
IL WETSA  
527 East Capitol Avenue  
Springfield, IL 62701  
Email ~~addressed to:~~ ILWETSA@icc.state.il.us

#### **Section 729.310 Transmission of Surcharge Moneys**

- a) Surcharge moneys collected under the Act shall be remitted by check on a monthly basis. Each remittance check shall display the remitting carrier's name and a single Federal Employer Identification Number and a unique carrier check number on the face. The payee shall be designated as "State of Illinois, WETSA Funds".
- b) Each remittance of fees under this Section shall be accompanied by a transmittal to the Commission, in substantially the form set forth in Appendix B of this Part.
- c) The checks and remittance transmittal shall be mailed to:

Illinois Commerce Commission  
IL WETSA  
527 East Capitol Avenue  
Springfield IL 62701

#### **Section 729.320 Allocation of Surcharges**

Of the surcharges remitted under this Subpart, one-third ~~1/3~~ shall be deposited into the WCRF and two-thirds ~~2/3~~ shall be deposited into the WSEF.

#### **Section 729.330 Administrative Costs**

- a) Administrative costs shall be chargeable to the Funds.

- b) Estimated administrative costs shall be held in escrow in the fund. The fees established and charged shall be adjusted periodically based on actual costs; and and shall be reconciled at least annually.

#### SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

##### **Section 729.400 Distribution of Moneys**

Subject to appropriation, moneys in the WSEF may be used only for grants to providers and to pay administrative costs.

- a) Except as provided in this Section, the Commission, subject to appropriation, shall make monthly proportional grants to each provider eligible to receive a grant under Section 729.200 based on the number of monthly subscribers in the geographic area (defined by zip code) in which the provider is certified as a wireless 9-1-1 service provider by the Commission.
- b) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate providers, except as reduced in subsections (d) and (e).
- c) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of an eligible provider and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to DSP. Funds allocated to the WSEF for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of an eligible provider and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible providers in the manner set forth in subsection (a).
- d) Funds allocated to the WSEF for geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made by the Commission as provided in Section 729.600.
- e) Estimated administrative expenses shall be withheld on a monthly basis, with at least an annual adjustment based upon actual costs.

##### **Section 729.410 Grants for Subscribers in Overlapping Jurisdictions**

Providers sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which grants in the shared areas shall be made. Providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days' notice, to submit documentation to the Commission outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 729.600.

##### **Section 729.420 Overpayments and Underpayments**

In the event of an underpayment or overpayment of grant funds, the Commission shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid provider by an email or mail to redirect funds with a check to the proper (underpaid) provider in applicable instances (in which case each affected provider shall furnish proof to the Commission that the redirection of funds has been completed as instructed);
- b) Offset one or more future grant payments to an overpaid provider;
- c) Increase one or more future grant payments to an underpaid provider; or
- d) The Commission may release ~~Release~~ a grant payment to an underpaid provider on an interim basis during the month under the following conditions:
  - 1) The underpaid provider has requested this remedy by mail or email due to fiscal constraints; and
  - 2) There are sufficient funds in the Wireless Services Emergency Fund to avoid underpaying another provider on the next monthly distribution due to this interim release of funds.

#### SUBPART E: ADMINISTRATION OF THE WIRELESS CARRIER REIMBURSEMENT FUND

##### **Section 729.500 Permitted Reimbursements**

Moneys in the WCRF may be used, subject to appropriation, only to reimburse carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates and to pay administrative costs. In no event shall any sworn invoice submitted to the Commission for reimbursement be approved for:

- a) Costs not related to compliance with FCC Wireless Enhanced 9-1-1 mandates;
- b) Costs with respect to any Wireless Enhanced 9-1-1 service that is not operable at the time the invoice is submitted;
- c) Costs of providing Wireless Enhanced 9-1-1 services in an area when a unit of local government or Emergency Telephone System Board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998;
- d) An amount in excess of 100% of an individual carrier's cumulative remittances to the WCRF, net administrative costs and prior reimbursements , without prior approval by the Commission;

- e) Any cost associated with a third party vendor that the carrier is not contractually obligated to pay; ~~or~~
- f) Expenses not submitted within five years after the date the cost was incurred; or.
- g) Any carrier that has not remitted surcharges to the Commission within the past one-year.

#### **Section 729.510 Reimbursement for Approved Expenditures**

- a) Subject to the conditions in Section 729.500, invoices properly submitted to the Commission shall be reviewed and either approved in whole or in part or denied in whole or in part.
  - 1) ~~Approved in whole or in part; or~~
  - 2) ~~Denied in whole or in part.~~
- b) Sworn invoices shall contain a sufficiently detailed description of the goods/services for which reimbursement is sought for the Commission to be able to validate the claim for reimbursement. Sworn invoices submitted with insufficient detail to validate the claim shall either be returned to the carrier for resubmission with additional documentation or the Commission will request additional documentation in order to validate the claim.
- c) Carriers seeking reimbursement shall submit a sworn statement along with each submission of invoices verifying that the charges are reimbursable under the Act and this Part. The sworn statement shall be submitted in substantially the form of the affidavit set forth in Appendix C. Carriers shall submit requests for reimbursement on carrier letterhead, along with the documentation set forth in subsection (b) above and in Appendix C of this Part, to the following address:

Illinois Commerce Commission  
IL WETSA  
527 East Capitol Avenue  
Springfield IL 62701

#### **Section 729.520 Priority of Distributions**

If insufficient funds exist in the WCRF to satisfy all outstanding claims against the WCRF, all moneys in the WCRF shall be distributed as follows:

- a) First, for reimbursement of outstanding administrative costs incurred by the Commission chargeable against the WCRF; and



- b) Second, to make outstanding reimbursements on a pro-rata basis, including both current reimbursements and reimbursements due from prior months.

### **Section 729.530 Overpayments and Underpayments**

- a) In the event that the Commission determines that an overpayment to a carrier has been made, it shall immediately notify the carrier; and shall:
  - 1) Direct the carrier to immediately reimburse the overpayment to the State;  
or
  - 2) Offset a subsequent reimbursement in an amount equal to the overpayment.
- b) In the event that the Commission determines that an underpayment to a carrier has been made, it shall process a voucher corresponding to the underpaid amount, subject to fund availability.

## **SUBPART F: DISPUTES**

### **Section 729.600 Resolution of Disputes**

- a) In the event that a provider files a petition pursuant to 83 Ill. Adm. Code 200 with the Commission alleging an area of overlapping 9-1-1 service jurisdiction in which the providers in that geographic area have not agreed to the manner in which grants in that area will be apportioned, the grants for that area shall be based on reference to an official Master Street Address Guide to the Emergency Telephone System Board or qualified governmental entity whose Public Safety Answering Point ~~Points~~ provides wireless 9-1-1 service in that area. The petitioning provider claiming the overlapping jurisdiction shall be responsible for providing at hearing a copy of the applicable Master Street Address Guide (see 83 Ill. Adm. Code 728.105). In the event no Master Street Address Guide is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, the Commission shall resolve the dispute based on the evidence in the hearing. Any funds allocated to the WSEF for the geographic region in question shall be held in escrow until a final order is entered.
- b) In the event that the Commission matches a subscriber billing address to an incorrect jurisdiction, the recipient, upon notification from the Commission, shall redistribute the funds in question in the manner directed by the Commission, based on the procedures in Section 729.420.
- c) In the event of a dispute between providers concerning a subscriber billing address, a provider may file a petition pursuant to 83 Ill. Adm. Code 200 seeking a determination of the billing address.

SUBPART G: MISCELLANEOUS

**Section 729.700 Use of Grants and Reimbursements**

Grants and reimbursements may be used only for the purposes set forth in the Act.

**Section 729.710 Distributions Subject to Appropriation**

- a) Notwithstanding any other provision of this Part, grants shall be payable solely from funds appropriated by the General Assembly to the WSEF for the purpose of making grants. Obligations of the Commission and the State of Illinois to make grants shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make grants.
- b) Notwithstanding any other provision of this Part, reimbursements shall be payable solely from funds appropriated by the General Assembly to the WCRF for the purpose of making reimbursements. Obligations of the Commission and the State of Illinois to make reimbursements shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make reimbursements.
- c) The Commission shall notify eligible providers and carriers of any applicable lack of appropriations as soon as is practicable.

**Section 729.720 Records**

- a) Providers shall maintain detailed books and records related to grants received and use of the grant funds in accordance with applicable law and generally accepted accounting principles. Providers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Providers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a provider, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a provider, or if the overpayment exceeds the amount otherwise due, the provider shall immediately refund all amounts that may be due to the WSEF.
- b) Carriers shall maintain detailed books and records related to surcharges billed and collected by geographic area, and records necessary to support requested reimbursements in accordance with applicable law and generally accepted accounting principles. Carriers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and

during normal business hours. Carriers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a carrier, or subcontractor, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a carrier, or if the overpayment exceeds the amount otherwise due, the carrier shall immediately refund all amounts that may be due to the WCRF.

#### **Section 729.730 Physical Inspections**

With respect to any request for reimbursement, the Commission may perform an on-site physical inspection of the requesting carrier's facilities for the purpose of verifying that the request is reimbursable under the Act and this Part. Carriers shall cooperate and provide reasonable assistance requested by the Commission in the performance of any such physical inspection.

#### **Section 729.740 Indemnification**

Except as explicitly set forth in the Act, and except as explicitly prohibited by law, each provider requesting grants and each carrier shall indemnify and hold the State of Illinois, including the Commission, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses ~~incident thereto~~, that may arise by reason of the functions or services provided by the Commission under the Act and this Part. In the event of any demand or claim against the Commission, the Commission will notify the responsible carrier or provider in writing. The Commission may elect to defend any demand or claim and will be entitled to be paid by the provider or carrier for all damages, costs and attorney's fees incurred.

## Section 729.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

### MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email ~~e-mail~~, or a CD-ROM

File Format: Text file or Microsoft EXCEL file

#### Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H ~~H~~ indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T ~~T~~ in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN ~~number~~. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:

Hcarriername

Trailer

T99999999990

HCARRIERNAME

99999999904106270412340000000005

99999999904106270400000000000025

T0000000002999999999

Questions concerning the field requirements may be addressed to:

**Illinois Commerce Commission**

IL WETSA

527 East Capitol Avenue

Springfield IL 62701

Phone: (217) 782-9715

Email addressed to: ILWETSA@icc.state.il.us

**Section 729.APPENDIX B Format of Carrier Remittance Transmittal**

**CARRIER REMITTANCE OF WIRELESS E9-1-1 FUNDS**

CARRIER NAME \_\_\_\_\_  
CARRIER FEIN-# \_\_\_\_\_  
  
CARRIER ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
CONTACT NAME \_\_\_\_\_  
CONTACT PHONE # \_\_\_\_\_

REMITTANCE AMT-\$ \$ \_\_\_\_\_

CHECK NUMBER \_\_\_\_\_  
CHECK DATE \_\_\_\_\_

**REMITTANCE MONTHLY BREAKDOWN:**

	MO/YR Billed	Amount Remitted
_____	/ _____	_____
_____	/ _____	_____
_____	/ _____	_____
_____	/ _____	_____
_____	/ _____	_____
_____	/ _____	_____
_____	/ _____	_____
TOTAL REMITTED		\$ _____ **

\*\* Must agree with Remittance Amount listed at top of form.

Send Check and remittance to:  
**Illinois Commerce Commission**  
IL WETSA  
527 East Capitol Avenue  
Springfield, IL 62701

## Section 729.APPENDIX C Form of Sworn Statement

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

# AFFIDAVIT

The undersigned, being first duly sworn under oath, deposes and says, under penalties of perjury:

1. I am the [title of official making Affidavit] of [legal name of Carrier] (the "Carrier"), a corporation [insert other business form, if applicable] created and existing under the laws of the State of \_\_\_\_\_, and am duly authorized to make this Affidavit on behalf of the Carrier.
2. This Affidavit is made for the purpose of requesting Reimbursement from the Wireless Carrier Reimbursement Fund in the amount of \$ [amount of reimbursement requested] pursuant to Section 35 of the Illinois Wireless Emergency Telephone Safety Act (Act).
3. The amount requested is reimbursable under the Act.
4. Attached as Exhibit A is a list of the goods or services for which reimbursement under this Affidavit is sought.
5. Attached as Exhibit B are copies of invoices supporting the Reimbursement requested.
6. All of the Reimbursement requested represents costs incurred by the Carrier in complying with Federal Communications Commission Wireless Enhanced 9-1-1 mandates (FCC Mandates).
7. Attached as Exhibit C is an explanation of how the costs represented by the attached invoices relate to compliance with the FCC Mandates.
8. I have read the attached Exhibits and know them to be true and accurate.
9. The Reimbursement requested represents costs with respect to Wireless Enhanced 9-1-1 service that is operable and capable of transmitting Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
10. To the best of my knowledge, the following are the Wireless Public Safety Answering Points (as defined by the Act), receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.
11. The Carrier is in compliance with the Act.

[\_\_\_\_\_  
Signature\_\_\_\_\_]\_\_\_\_\_  
[Printed Name of Official]

SUBSCRIBED AND SWORN TO this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, a Notary Public in and for the County and State aforesaid, by [name of official making Affidavit], who is personally known to me to be the [affiant's official title] of [legal name of Carrier] who appeared before me this day and duly acknowledged to me execution of the foregoing Affidavit.

[Seal]

\_\_\_\_\_  
[Signature]

Notary Public

[Seal]